

REMARKS

This Application has been carefully reviewed in light of the Decision on Appeal electronically dated November 3, 2010 ("*Decision*"). Applicants appreciate the Examiner's consideration of the Application. Claims 10-25, 35-43, 52-59, 62-75, 84-90, 92, and 95 are pending in the application and stand rejected. Applicants have amended Claims 10-25, 35-43, 52-59, 62-75, 84-90, 92, and 95. Applicants respectfully submit that no new matter is added. Applicants respectfully requests consideration and allowance of all pending claims.

Section 101 Rejection

Claims 10-25, 35-43, 52-59, 62-75, 84-90, 92, and 95 are rejected under 35 U.S.C. §101 as being directed to nonstatutory subject matter. Without conceding the veracity of the rejection, Independent Claims 10, 18, 35, 52, 62, 69, 77, 84, 92, and 95 have been amended to address the issues identified by the Decision on Appeal. For example, Independent Claim 10 now recites a "financial instrument system comprising: a memory storing financial instrument data [and] a processor in communication with the memory and operable to" perform certain recited operations relating a financial instrument. Accordingly, Claims 10-25, 35-43, 52-59, 62-75, 84-90, 92, and 95 recite statutory subject matter.

Applicants respectfully requests that the rejection of Claims 10-25, 35-43, 52-59, 62-75, 84-90, 92, and 95 under 35 U.S.C. § 101 be withdrawn.

No Waiver

All of Applicant's arguments are without prejudice or disclaimer. Applicant reserves the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the rejections.

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PATENT APPLICATION
Serial No. 10/064,745

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact its attorney at the number below.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees or credits to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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